

# COVINGTON

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December 20, 2019

The Honorable Janice Schakowsky  
U.S. House of Representatives  
Washington, D.C. 20515

The Honorable Ayanna Pressley  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Representative Schakowsky and Representative Pressley:

On behalf of our client, Johnson & Johnson, and its subsidiary Johnson & Johnson Consumer Inc., this letter and the accompanying materials respond to your letter of December 10, 2019. Johnson & Johnson takes very seriously the issues raised in your letter regarding the safety of its personal care products, including Johnson's Baby Powder. Johnson & Johnson is deeply committed to the health of consumers and the safety of Johnson's Baby Powder. Decades of independent scientific testing have shown that Johnson's Baby Powder is safe and not contaminated with asbestos.

As you may know, Johnson & Johnson has dedicated significant resources to providing the public with open and transparent information regarding Johnson's Baby Powder, talc, and talc safety, including through a dedicated website, Facts About Talc ([www.factsabouttalc.com](http://www.factsabouttalc.com)), where the company has publicly posted more than 2,000 documents. Just this month, Johnson & Johnson posted information concerning the comprehensive investigation that it conducted in response to a report by the FDA finding sub-trace levels of asbestos (no greater than 0.00002%) in samples from a single bottle of Johnson's Baby Powder. Johnson & Johnson Consumer Inc. promptly recalled the entire lot as a precautionary measure. Over the course of the ensuing investigation, a total of 155 tests were conducted by two different third-party laboratories using four different testing methods on samples from (1) the same bottle tested by the FDA's contractor, (2) the recalled lot of Johnson's Baby Powder, (3) three lots manufactured before the recalled lot, and (4) three lots manufactured after the recalled lot. All of the 155 test results confirm no asbestos in Johnson's Baby Powder, as detailed on Facts About Talc.

As noted in your letter, the issue of talc safety has also been the subject of extensive discovery in civil litigation. We have drawn on these previously collected materials in an effort to respond to your letter quickly. Today's production provides materials in response to each of the requests in your letter. If you have additional questions or requests after reviewing the materials being provided today, Johnson & Johnson stands ready to work with you to address any additional questions or requests that you may have. Today's production, numbered JNJ\_H\_12\_000001 to JNJ\_H\_12\_027202, responds to your requests as follows.



## COVINGTON

The Honorable Janice Schakowsky  
The Honorable Ayanna Pressley  
December 20, 2019  
Page 2

In response to the requests in items one and two of your letter, we are providing documents assembled by reviewing materials identified to plaintiffs in civil litigation as potentially relating to marketing plans that discuss various consumer segments. Additionally, we are producing documents that have been identified to plaintiffs in civil litigation as related to promotional advertisements for Johnson's Baby Powder. Please note that it is our understanding that not all of the advertisements contained in today's production were used in actual advertising.

Regarding the marketing issues raised in your letter, it is important to note that Johnson & Johnson's consumer products are marketed to all Americans. To reach consumers, Johnson & Johnson Consumer Inc. conducts market research to understand the consumers who use its products, and the company develops advertising that is meaningful to its customers. Marketing for Johnson's Baby Powder has included advertising that is multicultural and inclusive. The company believes in marketing to all communities that use its products, and it is proud to market its products in an inclusive manner, just as it promotes inclusion in its internal hiring and development. Johnson & Johnson and Johnson & Johnson Consumer Inc. believe that marketing to every community is a sign of respect, and are proud to embrace multicultural marketing. Johnson & Johnson and Johnson & Johnson Consumer Inc. seek to appeal to diverse audiences and advertise in media outlets that reach a broad range of communities. To the extent that anyone, including outside advertising consultants engaged in the past, has failed to show respect for all of the company's customers, the company rejects and repudiates such statements.

Regarding the questions in item three of your letter, the talc used in Johnson's Baby Powder is sourced only from carefully selected mines that are subjected to rigorous testing with respect to asbestos. For decades, Johnson's Baby Powder has been repeatedly tested and found not to contain asbestos, meaning that asbestos has not been detected using the best scientific methods available. The industry standard for testing, called CTFA J-41, requires the use of X-Ray Diffraction and, where necessary, Polarized Light Microscopy. The cosmetic talc used in Johnson's Baby Powder is tested through a combination of X-Ray Diffraction and Polarized Light Microscopy and, since the 1970s, the additional test of Transmission Electron Microscopy. Notably, by using Transmission Electron Microscopy, Johnson & Johnson Consumer Inc. has exceeded the industry standard for talc testing. The company's routine talc testing has several steps. Since the 1970s, samples of cosmetic talc have been taken every hour from Johnson & Johnson Consumer Inc.'s talc processing facilities for asbestos testing. Samples of ground talc ore are combined and tested regularly and that practice continues today, through testing conducted by the company's current talc suppliers. As an added safeguard, Johnson & Johnson Consumer Inc. requires additional quarterly testing by independent, third-party laboratories on its cosmetic talc. The company tests the sites where its cosmetic talc is mined, the raw ore taken out of the earth, and the milled powder before it is bottled. In total, Johnson & Johnson Consumer Inc., its suppliers, and independent labs have tested composites of hundreds of thousands of samples since the early 1970s, and the tests have consistently shown that Johnson's Baby Powder does not contain asbestos. In response to your request in item three, today's production includes certificates of analysis from approximately October 2009 to March 2017 reflecting asbestos testing of the talc used in Johnson's Baby Powder.



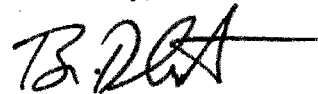
**COVINGTON**

The Honorable Janice Schakowsky  
The Honorable Ayanna Pressley  
December 20, 2019  
Page 3

Please note that today's production includes documents with redactions or notations of documents withheld for privilege as they appeared in the underlying litigation productions. Several of the documents additionally contain confidential indicators, again from the underlying productions in connection with litigation. These and other documents may contain confidential business information that Johnson & Johnson considers proprietary and competitively sensitive. Disclosure of such information could cause competitive harm to the company and distortions in the marketplace. Accordingly, Johnson & Johnson respectfully requests that the materials produced today be treated as confidential. If you should nonetheless consider the public release of these materials, we respectfully request that Johnson & Johnson be given advance notice and an opportunity to discuss the matter with you.

Johnson & Johnson appreciates the opportunity to address these important matters relating to the safety of its cosmetic talc products. Please let us know if you have any questions regarding the information and materials being provided today.

Sincerely,

A handwritten signature in black ink, appearing to read "B. D. Smith", with a long horizontal line extending to the right.

Brian D. Smith

